

The Office Action indicates that Claim 1 recites the limitations “a bulky density within about 20% of said absorbent material’s bulk density at its maximum volume capacity” and that Claim 27 recites the limitations “a predetermined density within about 20% of said absorbent material’s bulk density at its maximum volume capacity” (Paper 11, page 2).

The Office Action further indicates that it is unclear what is included in the scope of the phrase “within about 20%”. Applicant has amended Claims 1 and 27 to clarify this matter. Applicant has added language that is inherent in the disclosure and merely clarifies that the claimed bulk density is within 20% of the bulk density at which the maximum volume capacity of the system is reached. This interpretation supplied by the Office is inconsistent with the disclosure of the application. It is unclear on the record why one of ordinary skill in the art would take “within about 20% of said absorbent material’s maximum volume capacity” as being “between 0% and 20% of the density of the absorbent material” instead of 100% +/- about 20%.

Applicant believes the foregoing is a complete response to the rejection under 35 U.S.C. 112, second paragraph. Reconsideration and withdrawal of this rejection are earnestly solicited.

Claims 1, 4-6, 8, 13, 15, 16, 19, 26-30, 34, and 35 stand rejected under 35 U.S.C. 102(b) as being anticipated by Reeves et al. (U.S. Patent No. 4,278,088) (“Reeves”). Applicant respectfully traverses this rejection.

The present invention is directed to an absorbent article having a fluid-permeable bag and a plurality of tablets made from compressed, fibrous, absorbent material. The tablets are made from a fibrous mass of absorbent fibers compressed to a bulk density within about 20% the bulk density of a system formed of the absorbent material at its maximum volume capacity. The fibrous, absorbent material includes bondable fibers, bondable fiber blends, and/or fibers combined with binding agent. The absorbent articles of the present invention show a substantial increase in expansion when going from dry to wet.

Reeves is described in detail in Applicant’s previous response, and will not be repeated here.

The present rejection is grounded in ignoring the limitations identified in the section 112 rejection, above. Applicant believes that this 112 rejection is traversed, and that all limitations of the claims must be considered in the rejection under section 102(b) in view of Reeves. The Office Action has not indicated where Reeves, inter alia, discloses tablets that are made from a fibrous mass of absorbent fibers compressed to a bulk density within about 20% the bulk density of a system formed of the absorbent material at its maximum volume capacity. For these reasons, Applicant respectfully submits that the Office Action fails to establish that Reeves actually anticipates the presently pending claims. Reconsideration and withdrawal of this rejection are earnestly solicited.

Claims 20-22, 26, 30-33 and 36 stand rejected under 35 USC 102(e) as being anticipated by Carlucci et al. (US Patent No. 6,191,340) ("Carlucci"). Applicant respectfully traverses this rejection.

The invention as defined in Claim 20 relates to a tampon for intravaginal use formed of a liquid-permeable bag that contains a plurality of tablets of compressed, fibrous, absorbent material. The tablets have a bulk density of at least about  $0.5 \text{ g/cm}^3$ .

Carlucci discloses a disposable absorbent article designed to be worn external to the body and to receive fluids discharged from the body. (Column 1, lines 7-9.) The disposable article is substantially flat prior to use. (Column 4, lines 9-10.) As shown in FIGs. 1 and 2, the sanitary napkin 20 preferably comprises a liquid pervious topsheet 24, a liquid impervious backsheet 26 joined to the topsheet 24, and an absorbent core 28 intermediate the topsheet 24 and the backsheet 26; the absorbent core 28 comprises an expanding layer 46 which is preferably capable of expanding the sanitary napkin into a tridimensional structure while being worn by the user. (Column 4, lines 53-60.) The absorbent core 28 may comprise an expanding layer 46 and a separate non-expanding layer 44. (Column 4, lines 62-64.) The expanding layer 46 comprises a number of smaller expanding elements 50 that are decoupled, that is, are distinct from one another, each of said smaller expanding elements 50 is capable of expanding substantially in only one direction upon activation of body fluids. (Column 8, lines 27-31.) The smaller expanding elements 50 are randomly distributed within the expanding layer 46, and different smaller expanding elements 50. The smaller expanding elements 50 can be

achieved by cutting in the desired shape a sheet of compressed regenerated cellulose sponge of the appropriate thickness. (Column 12, lines 43-45.) The expanding layer 46 comprising a fluid permeable sheet 47, longitudinally folded twice on itself with overlapping longitudinal edges joined to each other by known means; the folded sheet 47 is also joined to itself at its transverse ends. (Column 9, lines 7-13.)

In making the rejection, the Office Action asserts that Carlucci discloses an absorbent article 20, as shown in figure 3, comprising a liquid-permeable bag 47 containing a plurality of tablets of an absorbent material 50 (Paper No. 11, pp. 4-5). The Office also asserts that the permeable bag has the form of a tampon (Paper No. 11, page 5).

Again, the present invention relates to a tampon, a device for internal application in the body, not a device designed to be worn external to the body. As anticipation requires "identity of invention" wherein each and every element recited in a claim must be found in a single prior art reference, this rejection does not meet this test, and it should be withdrawn.

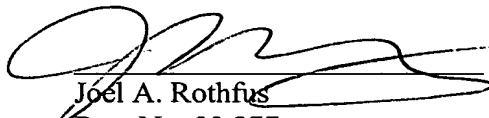
Claim 14 stands rejected under 35 USC 103(a) as being unpatentable over Reeves as applied to claim 1 above, and further in view of Foley et al. (US Patent No. 5,817,077) ("Foley"). Applicant respectfully traverses this rejection.

The disclosure of Reeves is set forth above, and Foley has been described in Applicant's previous response.

As outlined above, Reeves fails to anticipate presently pending Claim 1. Foley does not add to the disclosure of Reeves to overcome this failure. Therefore, the combination of Reeves and Foley is ineffective to render the subject matter of Claim 14 obvious. For this reason alone, the rejection should be withdrawn.

Applicant believes that the foregoing presents a full and complete response to the outstanding Office Action. Applicant looks forward to an early notice of allowance for this application.

Respectfully submitted,



Joel A. Rothfus  
Reg. No. 33,277  
Attorney for Applicants

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2722  
March 10, 2003

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claims 1, 20, and 27 are reproduced below, identifying the changes made.

1. (Twice amended) An absorbent article comprising a fluid-permeable overwrap containing a plurality of tablets of compressed, fibrous, absorbent material, the tablets having a bulk density within about 20% of [said] the bulk density of a system formed of the absorbent [material's bulk density] material at its maximum volume capacity.

20. (Twice amended) An absorbent article comprising a liquid-permeable bag in the form of a tampon for intravaginal use containing a plurality of tablets of compressed, fibrous, absorbent material, said tablets having a bulk density of at least about 0.5 g/cm<sup>3</sup>.

27. (Twice amended) A method of claim 26, wherein the absorbent material is compressed to form tablets having a predetermined bulk density within 20% of [said] the bulk density of a system formed of the absorbent [material's bulk density] material at its maximum volume capacity.